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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES
13
14

15 **THE PEOPLE OF THE STATE OF**
CALIFORNIA, EX. REL. XAVIER
16 **BECCERRA, ATTORNEY GENERAL OF**
THE STATE OF CALIFORNIA,

17
18 Plaintiff,

19 v.

20 **BARSTOW UNIFIED SCHOOL**
DISTRICT,

21
22 Defendant.
23
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27
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Case No.

**STIPULATION FOR ENTRY OF FINAL
JUDGMENT**

1 Plaintiff, the People of the State of California, by and through its attorney, Xavier Becerra,
2 Attorney General of the State of California (the Attorney General), and by Deputy Attorney
3 General Laura Faer, and Defendant Barstow Unified School District (the District), appearing
4 through its attorneys at Atkinson, Andelson, Loya, Rudd & Romo PLC, and by Todd M. Robbins
5 stipulate as follows:

6 1. This Court has jurisdiction of the subject matter hereof and the parties to this
7 Stipulation for Entry of Final Judgment (Stipulation).

8 2. The Final Judgment (Judgment), a true and correct copy of which is attached
9 hereto as Exhibit 1, may be entered by any judge of the superior court.

10 3. The Attorney General may submit the Judgment to any judge of the superior court
11 for approval and signature, based on this Stipulation, during the Court's ex parte calendar or on
12 any other ex parte basis, without notice to or any appearance by the District, which notice and
13 right to appear the District hereby waives.

14 4. The parties hereby waive their right to move for a new trial or otherwise seek to
15 set aside the Judgment through any collateral attack, and further waive their right to appeal from
16 the Judgment, except the parties agree that this Court shall retain jurisdiction for the purposes
17 specified in the Judgment.

18 5. The parties jointly represent that they have worked cooperatively to come to an
19 agreement as set forth in the Judgment.

20 6. The parties have stipulated and consented to the entry of the Judgment without the
21 taking of proof and without trial or adjudication of any fact or law herein, without the Judgment
22 constituting evidence of or an admission by the District regarding any issue of law or fact alleged
23 in the Complaint on file herein, and without the District admitting any liability regarding
24 allegations of violations that occurred prior to the entry of the Judgment.

25 7. The District will accept service of any Notice of Entry of Judgment entered in this
26 action by delivery of such notice by electronic mail to its counsel of record, and agrees that
27 service of the Notice of Entry of Judgment will be deemed personal service upon it for all
28 purposes.

1 8. The individuals signing below represent that they have been authorized by the
2 parties they represent to sign this Stipulation.

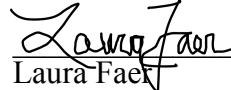
3 9. This Stipulation may be executed in counterparts, and the parties agree that a
4 facsimile signature shall be deemed to be, and shall have the full force and effect as, an original
5 signature.

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7 [SIGNATURES ON FOLLOWING PAGE]
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1 **PLAINTIFF THE STATE OF CALIFORNIA**

2 XAVIER BECERRA
3 Attorney General of California

4
5 DATED: July 28, 2020

6 
7 Laura Faack
8 Deputy Attorney General
9 *Attorneys for Plaintiff*

10 **DEFENDANT BARSTOW UNIFIED**
11 **SCHOOL DISTRICT**

12 BARSTOW UNIFIED SCHOOL DISTRICT

13 DATED: _____

14 _____
15 Superintendent

16
17 Approved as to Form:

18
19 DATED: _____

20 _____
21 Todd M. Robbins
22 ATKINSON, ANDELSON, LOYA, RUDD
23 & ROMO PLC
24 *Attorneys for Defendant*

1 **PLAINTIFF THE STATE OF CALIFORNIA**

2 XAVIER BECERRA
3 Attorney General of California

4
5 DATED: _____

6 _____
7 Laura Faer
8 Deputy Attorney General
9 *Attorneys for Plaintiff*

10 **DEFENDANT BARSTOW UNIFIED**
11 **SCHOOL DISTRICT**

12 BARSTOW UNIFIED SCHOOL DISTRICT

13 DATED: 7-30-2020

14 
15 _____
16 Superintendent

17 Approved as to Form:

18
19 DATED: 8/18/20

20 
21 _____
22 Todd M. Robbins
23 ATKINSON, ANDELSON, LOYA, RUDD
24 & ROMO PLC
25 *Attorneys for Defendant*

Exhibit 1

1 XAVIER BECERRA
Attorney General of California
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Supervising Deputy Attorney General
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*Exempt from filing fees pursuant to
Government Code, section 6103*

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES

14 **THE PEOPLE OF THE STATE OF**
15 **CALIFORNIA, EX. REL. XAVIER**
16 **BECCERRA, ATTORNEY GENERAL OF**
THE STATE OF CALIFORNIA,

17 Plaintiff,

18 v.

19 **BARSTOW UNIFIED SCHOOL**
20 **DISTRICT,**

21 Defendant.

Case No.

[PROPOSED] FINAL JUDGMENT

1 The People of the State of California (the People), by and through the Attorney General,
2 and the Barstow Unified School District (the District) share a mutual interest in ensuring the
3 District's education policies and practices comply with state law. The Attorney General
4 acknowledges that the District cooperated with the Attorney General's investigation and that the
5 District is committed to fulfilling the terms of this Judgment.

6 The People and the District, having stipulated to the entry of this Judgment by the Court
7 without the taking of proof and without trial or adjudication of any fact or law, without this
8 Judgment constituting evidence of or admission by the District regarding any issue of law or fact
9 alleged in the People's Complaint for Injunctive Relief (Complaint) on file or any of the
10 allegations or conclusions set forth herein, and without the District admitting any liability, and
11 with all parties having waived their right to appeal, and the Court having considered the matter
12 and good cause appearing,

13 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

14 This Court has jurisdiction over the allegations and subject matter of the People's
15 Complaint filed in this action, and the parties to this action; venue is proper in this county; and
16 this Court has jurisdiction to enter this Judgment.

17 **INJUNCTION**

18 The District is permanently enjoined from violating any law or regulation, including the
19 causes of action set forth in the People's Complaint. During the minimum five-year term of this
20 Judgment, as specified in Section VII, the District shall carry out the following affirmative
21 corrective actions:

22 **I. EDUCATION MONITOR**

23 1. This Judgment will be overseen by an education monitor (Monitor) approved by
24 the Attorney General's office who will be provided timely access to information and documents
25 to ensure compliance with this Judgment and whose reasonable costs and expenses will be paid
26 by the District. The Monitor that the Parties have selected is Monica Ng, Ph.D. The Monitor
27 will: (a) provide technical assistance and support to the District to help it achieve timely
28 compliance; (b) review and approve all of the policies, procedures, practices, programs, and

1 training providers and materials required by the substantive provisions herein; and (c) assess the
2 District's compliance in accordance with Sections VII and VIII of this Judgment.

3 2. If at any time the Monitor is no longer able to serve, he or she will inform the
4 Parties in writing as soon as possible prior to ending services. Within 14 calendar days of
5 receiving notice, the Parties will meet and confer regarding a replacement. The replacement will
6 be selected with the approval of the Attorney General's office no later than 60 calendar days after
7 written notice is received, or as extended by agreement of the Parties. If a Party objects, the
8 Parties will engage in the dispute resolution process described in Section VII of this Judgment.

9 **II. POLICIES, PROCEDURES, PRACTICES, AND TRAINING**

10 3. Within 30 days of the effective date of this Judgment, the District will discuss and
11 adopt a statement of principles that will guide implementation. The principles adopted by the
12 District shall include the following: that the District's goal is to ensure that each of the District
13 schools treat students fairly and equitably, are safe, and maintain an environment conducive to
14 learning. To reach that goal, the District is committed to: (a) nondiscrimination in discipline
15 consistent with state and federal law; (b) treating all of its students fairly and equitably in the
16 administration of discipline, without regard to any protected characteristic or category; (c)
17 ensuring consistent and equitable implementation of research-based alternatives to punitive
18 discipline and to using exclusionary discipline as a last resort after exhaustion of alternatives; (d)
19 working with students who exhibit behavior issues to ensure that students remain engaged in the
20 District's educational program and are given every opportunity to reach their potential; and (e)
21 taking effective and prompt steps to prevent, eliminate, and remedy the effects of harassment on
22 students based on any protected characteristic or category.

23 4. Within 90 days of the effective date of this Judgment, the District will hire a
24 Supportive School Climate Director (Director) or, if necessary because of an inability to find a
25 qualified applicant, will enter into a contract with a qualified consultant (Consultant) approved by
26 the Monitor and the Attorney General's office. To the extent the District is unable to find a
27 qualified applicant in the first year of implementation, the District will demonstrate to the
28 Monitor that it is continuing to search for an applicant in subsequent years. Either the Director or

1 Consultant shall report directly to the Superintendent and be responsible for overseeing
2 implementation of key aspects of this Judgment, including but not limited to training,
3 development of the Culturally-Responsive System of Positive Behavior Intervention and Support
4 set forth in paragraph 6, evaluation, implementation, and addressing any complaints regarding
5 discrimination or harassment in District schools. The Director or Consultant shall have
6 demonstrated academic and practice experience in K-12 school discipline data analysis, research-
7 based alternatives to exclusion discipline strategies, such as Culturally-Responsive Positive
8 Behavior Interventions and Supports (CR-PBIS) and restorative justice, reducing disproportionate
9 discipline and improving academic outcomes for African-American students and students with
10 disabilities, stakeholder involvement, preventing and effectively responding to harassment of
11 students, and creating positive, welcoming environments for all students. The District will
12 publish the Director or Consultant's name and/or title, office and email address, and telephone
13 number on its website, in all school publications, and all relevant notices to parents.

14 5. Within 90 days of the effective date of this Judgment, the District will provide, for
15 review and approval by the Monitor and the Attorney General's office, revised Board Policies and
16 Administrative Regulations, and District and site-level Handbooks covering discipline,
17 nondiscrimination in discipline, discrimination and harassment, retaliation, intimidation, bullying,
18 and students with disabilities, any discipline matrices, and annual notices to staff, parents, and
19 guardians regarding the same that are internally consistent and compliant with state law and this
20 Judgment. The revised District policies will include explicit prohibitions on the use of short and
21 long-term minimum and shortened day schedules and undocumented and other informal school
22 removals (e.g., sent home for the day) as a disciplinary consequence, address existing different
23 treatment and disproportionality in discipline, and set forth the steps the District will take to
24 consistently and effectively implement a range of other means of correction consistent with state
25 law, including the statutory list of other means of correction and other described in this Judgment.
26 The revised Board Policies, Administrative Regulations, and District and site-level Handbooks
27 shall also include all requirements certificated staff must follow if they elect to remove students
28 from class pursuant to Education Code section 48910. Within 30 days of receiving approval of

1 the District policies and notices from the Attorney General's office, the District will distribute the
2 documents by e-mail to all staff, parents, and guardians and post them on the District's website
3 while this Judgment remains in effect. Any further revisions to the District's policies and notices
4 made while this Judgment remains in effect will be provided to the Monitor and Attorney
5 General's office for review and approval.

6 6. Within 150 days of the effective date of this Judgment, the District will develop a
7 plan for full implementation within three years of CR-PBIS, which will include a social-
8 emotional learning curriculum, restorative practices, teaching, re-teaching, and reinforcing
9 behaviors, and conflict resolution in tiers one and two; the specific schedule for increasing
10 staffing allocations and funding for mental health staff, social workers, and counselors with
11 trauma-informed training to support tier three interventions and to provide early access to services
12 for students identified as needing support; and the methods by which students in need of tier three
13 interventions will be referred, assessed, and supported. As part of the CR-PBIS plan, the District
14 will create school-site teams that include students/student input, parents and guardians, teachers,
15 special education teachers, counselors, classified security/campus monitors, and school-site
16 administration. In creating this plan, the District will expand the capacity of school-site data
17 collection instruments to meet the requirements of paragraphs 10 and 11, and assess the
18 usefulness of expanding the capabilities of its School-Wide Information System to help track and
19 understand behavior patterns, disproportionality, and effectiveness of resolutions.

20 7. Within 150 days of the effective date of this Judgment and on or before July 15 of
21 each year thereafter while this Judgment is in effect, the District will provide to the Monitor and
22 the Attorney General's office for review and approval the annual all-staff training schedule and
23 proposed independent trainer, which may include the Monitor, for mandatory all-staff quarterly
24 trainings and ongoing coaching and support regarding: (a) implementation of the culturally
25 responsive tiered system of CR-PBIS; (b) nondiscrimination in discipline, equity, and equitable
26 decision-making; (c) bias, including explicit and implicit bias, and individual and system-wide
27 strategies to address both; (d) how to implement conflict resolution and de-escalation techniques,
28 trauma-informed and restorative practices in class and school-wide; (e) responsibilities and duties

1 regarding oral and written reports and complaints of discrimination, harassment, retaliation, and
2 intimidation; and (f) implementation of social-emotional learning curriculum. The term staff
3 includes any campus security, law enforcement, or school resource officer(s) who provide
4 services to the District pursuant to a contract or memorandum of understanding. The District may
5 provide the trainings itself in year three and thereafter, to the extent the Monitor approves of the
6 internal trainers proposed by the District.

7 8. In the first year of implementation, within 120 days of the effective date of this
8 Judgment and thereafter on or before September 1 of each year that this Judgment is in effect, the
9 District will provide support and training for teachers to co-develop, with their students, positive
10 expectations for school and classroom behavior and achievement, and strategies for building
11 community and resolving conflicts consistent with the CR-PBIS framework. In collaboration
12 with the Attorney General's Office, the District may develop alternative trainings to address
13 classroom learning expectations in distance learning environments caused by the COVID-19
14 pandemic. Within 90 days of the effective date of this Judgment, the District will develop a
15 system for assessing and supporting ongoing classroom implementation of the aforementioned
16 co-developed positive classroom expectations and strategies.

17 9. Within 90 days of the effective date of this Judgment, the District will update or
18 revise its electronic data system to track implementation of other means of correction, CR-PBIS
19 interventions and supports, and meetings held to review and revise supports for students prior to
20 suspension, which shall include but not be limited to the range of positive interventions and
21 supports provided in the revised District policies in paragraph 5 and set forth in paragraph 6.

22 10. Within 90 days of the effective date of this Judgment, the District will create a
23 protocol for monthly review of disaggregated District- and school-site-level discipline and
24 achievement data by District- and school-site level CR-PBIS teams with the purpose of working
25 to timely: (a) address the root causes of discrimination in discipline; (b) consistently implement
26 other means of correction, review effectiveness, and engage in continuous quality improvement
27 efforts; and (c) assess whether the District and school are implementing student discipline
28 policies, practices, and procedures in a nondiscriminatory manner. The aforementioned data shall

1 include: test scores; annual climate surveys; attendance; class rank, if available; alternatives/other
2 means of correction; teacher, office, and law enforcement referrals and dispositions related to the
3 same; suspensions, including teacher, in-school, Saturday, and out-of-school suspensions, and
4 days of suspension per incident; transfers to Community Day, Continuation, and independent
5 study; and expulsions. Each of these data elements shall be disaggregated by all of the categories
6 required by state and federal law, including but not limited to for CalPads reporting.

7 11. During each monthly meeting, the CR-PBIS teams will specifically assess whether
8 students of a particular race, color, national origin, or with a disability[ies] are more likely than
9 students of other races, colors, national origins, or without a disability[ies] to receive discipline
10 referral and sanctions, including harsher or longer sanctions, and/or referrals or sanctions for
11 certain offenses, e.g. defiance and disruption, and/or referrals and sanctions, including harsher or
12 longer sanctions, from particular teachers or administrators and report on the same. To the extent
13 a team identifies higher rates of discipline and/or harsher or longer sanctions imposed for students
14 of a particular race, color, national origin, or with a disability[ies] as described above, the
15 District and committee will set forth the actions it will take to address the disparities and/or any
16 different treatment in discipline. To the extent a team identifies higher rates of referrals, harsher,
17 or longer sanctions issued by a particular staff member(s), the District will provide ongoing
18 explicit instruction to the staff member(s) in the areas identified in paragraphs 6 and 7 and
19 student-teacher relationship-building coaching. A District staff only subset of the CR-PBIS team
20 will, on a monthly basis, review student-level discipline and achievement data and develop, as
21 appropriate, individualized positive behavior intervention and support improvement plans to
22 provide early intervention to at-risk students and students with mental health, social-emotional,
23 and behavioral needs.

24 12. On a quarterly basis, each school-site will share the data described in paragraph 10
25 with school staff as part of a discussion focused on: (a) addressing the root causes of
26 discrimination in discipline; (b) consistently implementing other means of correction, reviewing
27 effectiveness, and engaging in continuous quality improvement efforts; and (c) assessing whether
28

1 the District and school are implementing student discipline policies, practices, and procedures in a
2 nondiscriminatory manner.

3 13. Within 60 days of the effective date of this Judgment, the District will provide on a
4 monthly basis, the disaggregated District and school-site level data described in paragraph 10 for
5 review by and quarterly discussion with the Attorney General's office and Monitor. The review
6 and quarterly discussion will address ongoing disproportionality and disparities in discipline and
7 progress toward achieving nondiscrimination in discipline and addressing high rates of
8 exclusionary discipline.

9 14. Two times a year the District will publish the disaggregated District and school-
10 site level data described on its website while taking any steps needed to de-identify or otherwise
11 redact data, as required by law, to preserve student privacy.

12 15. Within 90 days of the effective date of this Judgment, the District will establish
13 and implement a re-entry protocol for students returning from out-of-school removals, which will
14 include a voluntary restorative conversation on the day of return with an individual trained in
15 restorative practices and CR-PBIS to address conflict and an assessment of any steps and check-
16 ins needed to prevent and address any behaviors, factors, or conditions that contributed to the
17 incident leading to suspension.

18 16. Within 90 days of the effective date of this Judgment, the District will: (a) create a
19 walk-through protocol to assess and provide support for academic instructional practices that
20 focus on student engagement, opportunities for practice and feedback, and cultural relevance; and
21 (b) develop a plan for implementing the protocol, including a plan for providing additional
22 training and support to teachers as needed.

23 17. Within 90 days of the effective date of this Judgment, the District will provide its
24 plan for implementing social-emotional learning at the District's junior high schools.

25 18. Within 180 days of the effective date of this Judgment, working with the Monitor,
26 the District will replace its existing School Plans for Student Achievement at Crestline
27 Elementary School, Barstow Junior High School, and Barstow High School with plans that align
28 with and promote the research-based instructional and discipline practices set forth in paragraphs

1 3-12 and 15-17 and integrate the District's adopted strategies that explicitly address disparities in
2 school discipline. For the remaining schools in the District, the District shall replace existing
3 School Plans for Student Achievement consistent with the requirements of this paragraph no later
4 than the end of the 2020-2021 school year.

5 19. Within 150 days of the effective date of this Judgment, in collaboration with the
6 Monitor and Supportive School Climate Director, Barstow High School, Barstow Junior High
7 School, and Crestline Elementary School will each conduct a root cause analysis of and develop
8 and issue school action plans that include the aforementioned research-based instructional and
9 discipline practices set forth in paragraphs 3-12 and 15-17 and other targeted strategies to address
10 the high rates of exclusionary discipline for students and disproportionate discipline for African-
11 American students and students with disabilities at these sites.

12 20. Within 90 days of the effective date of this Judgment, the District will provide a
13 schedule for informational notices and twice yearly in-person information sessions with parents,
14 guardians, and education rights holders that: (a) emphasize the District's commitment to treating
15 all students fairly and equitably in the administration of discipline without regard to race, color,
16 national origin, sex, gender, gender identity, disability, religion or foster youth or homeless status;
17 (b) discuss what is expected of students and staff under the revised policies and practices; (c)
18 describe the alternative means of correction that will be available and implemented; (d) explain
19 the law, research, and evidence supporting the steps and practices the District will be
20 implementing to provide a safe, welcoming, and supportive school environment; and (e) the ways
21 in which parents, guardians, and education rights holders can partner with the District to provide a
22 safe, welcoming, and supportive school environment.

23 21. No later than the beginning of the second semester of the 2020-2021 school year,
24 the District will establish a Supportive School Climate Advisory Committee consisting of parents
25 and students who are representative of the diverse students attending District schools and
26 members of community organizations who work with and provide supports to students and
27 parents in the area to provide suggestions on improvements to the District's discipline policies,
28 procedures, and practices, the terms and implementation of substantive provisions in this

1 Judgment, and communications with parents, students, and the community regarding the same.
2 The Supportive School Climate Advisory Committee shall meet at least one time before the end
3 of the 2020-2021 school year. Within 30 days of each meeting of the Committee, a written
4 summary of the meeting will be posted on the District's website and a copy provided to the
5 School Board and the Attorney General's office. The District Superintendent or designee will
6 review the summaries to identify potential improvements or modifications to District policies,
7 procedures, and practices. The District will provide notice of any changes made as a result of the
8 Committee's recommendations to the Attorney General's office as required by paragraph 5 of this
9 Judgment.

10 22. Within 180 days of the effective date of this Judgment, the District and necessary
11 stakeholders will develop a plan with timelines and responsible parties for further increasing staff
12 diversity at District schools. Within 30 days of receiving the Monitor's approval of the plan, the
13 District will implement and report to the Monitor on its efforts once every 90 days thereafter
14 while this Judgment is in effect.

15 23. Within 60 days of the effective date of this Judgment, the District will review its
16 practices for citing students for low-level offenses to assess whether these practices are having an
17 adverse impact on students of color and low-income students and whether it is necessary to meet
18 the District's educational goals. The assessment shall include review and analysis of data for the
19 past three years, disaggregated by all of the categories required by state and federal law, on the
20 number of students cited and the reason for the citation. After conducting the assessment, the
21 District will report the results to the Attorney General's office along with any proposed changes to
22 policies and practices for the Attorney General's office review and approval.

23 24. Within 90 days of the effective date of this Judgment, the District, in consultation
24 with the Monitor and other experts in nondiscriminatory, inclusionary school admissions,
25 enrollment, and assignment policies and practices, as recommended by the Attorney General's
26 office, will revise its admissions, enrollment, and assignment policy for the STEM Academy, to
27 include, among other things, recruitment and outreach efforts for underrepresented student groups
28 for whom there are significant disparities in admissions and access to educational opportunity,

1 including but not limited to African-Americans and low-income students, and admissions criteria
2 that do not have a disproportionate adverse impact on such underrepresented student groups.
3 Prior to the date of school assignment notification each year, the District will review data
4 regarding implementation of the revised admissions, enrollment, and assignment policy with the
5 Monitor and assess whether any further changes need to be made to ensure nondiscrimination in
6 school admissions, enrollment, and assignment.

7 25. Within 120 days of the effective date of the Judgment, the District will provide
8 data and information about its school assignment policies and practices at sites other than the
9 STEM Academy along with an assessment of whether these policies and practices are having an
10 adverse impact on students of color and low-income students and whether these policies and
11 practices are necessary to meet the District's educational goals. The assessment shall include
12 review and analysis of aggregate data for the past three years, disaggregated by all of the
13 categories required by state and federal law, on the students enrolled or assigned along with the
14 data set forth in paragraph 10. After conducting the assessment, the District will report the results
15 to the Attorney General's office along with any proposed changes to policies and practices for the
16 Attorney General's office review and approval.

17 **III. IN-SCHOOL SUSPENSION, DETENTION, AND SATURDAY SCHOOL** 18 **PROGRAM**

19 26. Within 90 days of the effective date of this Judgment, the District will: (a) ensure
20 that all removals currently classified as Behavior Management Class or BMC that are for more
21 than one period are reported as in-school suspension and that all in-school suspension state law
22 requirements are followed; (b) develop an online system to ensure that students assigned to in-
23 school suspension receive and are engaged in completing applicable school work assignments,
24 tests, and quizzes; (c) provide regular individual and group counseling for students in in-school
25 suspensions with the goal of assessing mental health, emotional, educational, and social needs
26 and providing strategies and a plan for implementation upon return to the regular classroom; and
27 (d) procedures for a re-entry check-in with an appropriate administrator, which will include an
28 assessment of student work completed and assignments missed to ensure that in-school

suspension is not a cause of school failure, a review of the plan described in paragraph 26(c), and the voluntary re-entry protocol set forth in paragraph 15.

27. Within 90 days of the effective date of this Judgment, the District will provide its plan for implementing social emotional learning and educational support programming during in-school suspension, detention, and Saturday school with the goal of increasing student investment and engagement in school, developing teacher-student relationships and connections, and improving educational outcomes.

IV. HARASSMENT AND DISCRIMINATION COMPLAINTS

28. Within 60 days of the effective date of this Judgment, the District will provide, for review and approval by the Monitor and the Attorney General's office, revised policies and procedures for promptly and effectively addressing reports of harassment and discrimination on the basis of protected characteristics to comply with state law Uniform Complaint Procedures requirements. Within 30 days of receiving approval from the Monitor and the Attorney General's office, the District will: (a) post the policies and procedures on its web-site; (b) distribute them to parents and guardians; and (c) provide training to relevant staff.

29. Within 90 days of the effective date of this Judgment and by August 15 of every year thereafter while this Judgment is in effect, the District will develop a schedule for ongoing training and assemblies for students and staff regarding prohibitions on harassment and bullying, including harassment and bullying on the basis of protected characteristics, how to be an ally, and steps for obtaining redress under the District's revised policies and procedures set forth in paragraph 28.

30. Within 60 days of the effective date of this Judgment, the District will identify a trusted staff person trained in anti-bias and inclusion strategies to serve as a designated support person at each school-site for students who are experiencing or who have experienced harassment and bullying.

31. Within 120 days of the effective date of this Judgment, the District will work with school leadership and students to create a plan for increasing peer support and affinity clubs and/or additional support for minority student groups at each school-site.

1 32. For two years from the effective date of this Judgment, on a quarterly basis, the
2 District will provide to the Attorney General’s office a copy of oral reports and written
3 complaints of discrimination, harassment, retaliation, and intimidation received and all completed
4 complaint investigations. The Attorney General’s office will review the documents to assess
5 compliance with the Uniform Complaint Procedures and the requirement to provide a timely,
6 appropriate, and reasonably effective response. After completing the review, if needed, the
7 Attorney General’s office will provide the District with proposed corrective actions and a timeline
8 for implementation.

9 **V. POLICIES, PROCEDURES, AND PRACTICES FOR STUDENTS WITH**
10 **DISABILITIES**

11 33. Within 90 days of the effective date of this Judgment and by July 15 of every year
12 thereafter while this Judgment is in effect, the District will provide, for review and approval by
13 the Monitor and the Attorney General’s office, an annual training plan with timelines, proposed
14 trainers, and training materials to be used to provide training to all staff on Child Find,
15 manifestation determination meetings, Positive Behavior Intervention Plan creation and
16 implementation, effective delivery and implementation of specialized instruction and reasonable
17 accommodations. Within 30 days of approval of the plan, trainers, and training materials by the
18 Monitor and the Attorney General’s office, the District will implement the plan.

19 34. Within 90 days of the effective date of this Judgment, the District will review
20 and revise Student Success Team and Section 504 protocols and processes to ensure
21 accommodations are implemented and referrals for evaluation are timely and provide such
22 revised protocols and processes for review and approval by the Monitor and the Attorney
23 General’s office. Within 90 days of approval by the Monitor and Attorney General’s office, the
24 District will post the protocols and processes on the District’s web-site, distribute to staff, parents,
25 and guardians, and train relevant staff.

26 35. Within 90 days of the effective date of this Judgment, the District will review and
27 revise required procedural protection documents to ensure accessibility for parents and guardians
28 with different reading levels, including a list of free and low-cost advocacy and attorney resources

(e.g., Disability Rights California), and translate all such documents into Spanish and any other language, as required by law.

36. Within 120 days of the effective date of this Judgment, the District will create and provide for review and approval by the Monitor a plan with District and site-level special education leadership to: (a) effectively use and consistently implement Functional Behavior Assessments (FBAs) and Behavior Intervention Plans (BIPs) that include proactive and positive strategies; (b) support teachers and aides with implementation; and (c) establish procedures for ongoing evaluation of FBAs and BIPs, including effectiveness and timely implementation. Within 30 days of approval by the Monitor, the District will implement the plan.

37. Within 120 days of the effective date of this Judgment and each year thereafter by August 15, the District will provide a plan for providing annual training and ongoing workshops to parents of students with disabilities and suspected disabilities to inform them of their rights in the Individualized Education Program and Section 504 processes.

38. Within 90 days of the effective date of this Judgment, the District will provide two school-site special education and Section 504 liaison positions dedicated to providing support, training, and assistance to parents of students with disabilities during special education and Section 504 processes. At least one of the positions will be filled by an individual who is bilingual in Spanish and English. Within 90 days of the effective date of this Judgment, the District will develop protocols and memoranda to be distributed to school sites at least five days prior to start date of the first liaison and on an annual basis thereafter to help ensure that such liaisons are protected, as required by law, from any retaliation for their advocacy and support of parents, guardians, and students with disabilities. While the Judgment is in effect, the District will provide semi-annual Section 504 and special education rights training from a trainer approved by the Attorney General's office for the special education liaisons.

39. Within 60 days of the effective date of this Judgment, the District will create an ongoing process for a multi-disciplinary team review of student files for students with two or more suspensions or who are being considered for involuntary transfer to conduct a Child Find and Free Appropriate Public Education assessment, and determine whether the District needs to

1 conduct an initial evaluation or revise any student's Section 504 or Individualized Education
2 Program.

3 **VI. TRANSLATION OF DOCUMENTS, INTERPRETATION SERVICES, AND**
4 **DOCUMENT ACCESSIBILITY**

5 40. On or before August 15 of each year while this Judgment is in effect, the District
6 will: (a) provide annual notice to parents, guardians, and education rights holders regarding the
7 availability of translation and interpretation services and the process for requesting translation and
8 interpretation services from the District or school site; and (b) post the notice in the District
9 office, on the District website, and in each school-site office.

10 41. Within 60 days of the effective date of this Judgment, the District will develop
11 policies and procedures for Attorney General's office review and approval regarding the
12 provision of translation and interpretation services that are consistent with the annual notice.

13 42. Within 60 days of the effective date of this Judgment, the District will develop a
14 process for ensuring that Individualized Education Program, school placement, and discipline
15 documents have been translated into Spanish and any other language, as required by law.

16 43. While this Judgment is in effect, the District will monitor and track requests for
17 translation and interpretation services and responses to same and provide the Attorney General's
18 office with tracking logs or similar documents on January 15 and June 15 of each year.

19 44. For any policies, procedures, notices, or other documents created pursuant to this
20 Judgment that are publicly available, the District will translate the documents into Spanish and
21 any other language, as required by law.

22 45. The District will ensure that any policies, procedures, notices, or other documents
23 posted on its website are disability accessible, including PDF documents. For documents
24 distributed to the public, parents, or students, the District will ensure that documents are provided
25 in disability accessible formats, where necessary for effective communication.

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1 **VII. TERMINATION OF JUDGMENT**

2 46. The term of the Judgment is five years, and the Judgment will terminate
3 automatically five years from the effective date, if the District is in substantial compliance with
4 all of the substantive provisions of the Judgment.

5 47. Within 90 days prior to the termination date, if the Attorney General's office
6 determines that the District has not substantially complied with the substantive provisions of the
7 Judgment, then a meet and confer process, which shall not extend more than 30 days, will be
8 initiated with the District. If the Attorney General's office and the District cannot agree on the
9 length of time that the Judgment shall be extended to allow the District to reach substantial
10 compliance, then, the Attorney General's office may petition the Court for such an extension
11 within 60 days of the close of the meet and confer timeframe. The parties shall be bound by the
12 Superior Court's decision.

13 **VIII. CONTINUING COURT JURISDICTION, COMPLIANCE, AND DISPUTE**
14 **RESOLUTION**

15 48. This Judgment shall take effect immediately upon entry thereof by the Court, and
16 the date of such entry is the effective date of the Judgment.

17 49. For all of the aforementioned requirements, the District will provide timely proof
18 of compliance by submitting appropriate documentation or other information within 5 business
19 days of each deadline or sooner. The Attorney General and his agents, and the experts designated
20 in this Judgment, may make reasonable requests to the District for additional information
21 demonstrating compliance with any provision(s) of this Judgment. The District shall furnish such
22 information within 10 business days after the request is made, unless another date is agreed upon
23 in writing. In addition, the Attorney General and his agents shall have access to speak with
24 personnel, view documents, and visit the District's schools.

25 50. It is the intent of the parties to work collaboratively to address any potential
26 violations of this Judgment. If the Attorney General denies, rejects, or objects to any policy, plan,
27 procedure, protocol, or any other document submitted to the Attorney General's office by the
28 District as required by this Judgment, the Attorney General shall, within 60 days of the date of the

1 denial, rejection, or objection advise the District of the Attorney General's position in writing,
2 and negotiate in good faith to reach a resolution of any dispute. If the parties are unable to reach
3 an agreement regarding a provision of this Judgment that is subject to approval by the Attorney
4 General's office, the matter or matters upon which they disagree will be submitted to the Court
5 for initiation of any further proceedings that the Court may deem at its discretion necessary to
6 reasonably resolve the matters in dispute.

7 51. The Attorney General and the District may jointly stipulate to make changes,
8 modifications, and amendments to the Judgment for what the parties deem to be material
9 revisions, which shall be effective after a joint motion is filed by the parties and is granted by the
10 Court.

11 52. Any time limits for performance imposed by the Judgment may be extended by the
12 mutual agreement, in writing, of the Attorney General's office and the District, and/or by order of
13 the Court for good cause shown.

14 53. Jurisdiction is retained by the Court to enforce the Judgment for a period of five
15 years, unless time is extended pursuant to Section VII, for the purpose of enabling any party to
16 the Judgment to apply to the Court at any time for such further orders and directions as may be
17 necessary or appropriate for the interpretation or the carrying out of this Judgment, for the
18 modification of any of the injunctive provisions hereof, for enforcement of compliance herewith,
19 and for the punishment of violations hereof, if any.

20 54. Nothing in this Judgment alters the requirements of federal or state law to the
21 extent these laws may currently, or upon future amendment will, offer greater protection.

22 55. Nothing in this Judgment limits the powers vested in the Attorney General by the
23 California Constitution and state statutory law, including Government Code section 11180 et seq.,
24 to oversee or enforce any California laws or regulations, which the Attorney General may use to
25 monitor the District's compliance with the terms of the Judgment.

26 56. Nothing in this Judgment alters the requirements of the District related to any
27 previously filed complaints before the District under California Code of Regulations, Title 5,
28 Division 1, Chapter 5.1.

1 57. If any provision of the Judgement is found unlawful, impossible, unenforceable, or
2 otherwise invalid on any other grounds by this Court, the Attorney General's office may move the
3 Court for a modification of the Judgment eliminating that provision or the paragraph of the
4 agreement in which the provision appears.

5 58. The Clerk is ordered to enter this Judgment forthwith.

6
7 DATED: _____

JUDGE OF THE SUPERIOR COURT